

Exhibit H

From: Cindy Cohn <cindy@eff.org>
To: "Jeffrey P. Cunard" <jpcunard@debevoise.com>, "Jeffrey S. Jacobson" <jsjacobson@debevoise.com>
Date: 1/8/2006 2:10:41 PM
Subject: [SonyDRM-priv] To do list from Friday meeting

Hi Jeffs,

It was nice to meet with you on Friday morning and we're pleased that the court granted preliminary approval of the settlement. I wanted to confirm the things that we promised to you and that you promised to us during the meeting, so that we didn't forget. Please let me know if I've missed anything.

Here's what EFF agreed to to:

1. We will work on a draft banner ad that includes both Security Alert and Class Settlement Notice in the title and in the text.

We'll try to send

you a revised version early next week. We agreed on a basic concept but also that specifics like range of colors and sizes will be discussed with the designers directly. You'll send us direct contact information for the designers, hopefully in next week.

2. Sony BMG will purchase Google adwords for the artists whose CDs are affected by XCP and MediaMax for the period of time between when the initial Notice goes out on February 15 and the Fairness hearing, May 22. After that we'll assess click-thru rates together and decide whether further adword purchases for artists' names makes sense. Sony will purchase adwords on appropriate non-artists names (Sony BMG Settlement, etc) for the full year.

Here is what I asked Sony BMG to provide to us:

1. List of artists who have banner ads on their websites.
2. List of CDs that have banner ad capability.
3. List of artists for whom you have email lists for fans.
4. Contact information for the designers for both the landing pages and the banner ads, which we understand will be different.
5. Package of information sent to retailers encouraging them to accept returns and including little flyers that Jeff said he saw at Tower records in the DC area. I understand we'll enter into an appropriate confidentiality agreement for this information.
6. Confirmation of the bit rate for the downloaded MP3 files. We strongly suggest a bit rate no lower than 192 Kbit/s. We've heard that the XCP downloads are only at 128 Kbit/s and that's a huge step down from CDs. Both XCP and MediaMax should be at 192 Kbit/s, but at a minimum the MediaMax ones should be since you are not offering CD versions as replacements.
7. Once the confidentiality agreement is in place, information about click-thru rates so far on ads, downloads of patches and uninstallers.
8. Confirmation of whether Sony BMG will reimburse travel expenses for EFF reps and its guests to the meeting with Sony if we fly to New York. We agree that the meeting should remain small, with only 1-2 guests in addition to probably Fred and Kurt from EFF.

Here is what EFF agreed to provide to Sony BMG:

1. List of antivirus and anti-spyware products that we recommend Sony include on the landing page. We have a list on EFF's FAQ, that includes both. As you may know, EFF is largely a Mac and Linux shop, so we don't have much direct experience with such tools, but we use Spyware Search and Destroy on some of our Windows machines for anti-spyware and Norton for anti-virus.
2. USENET and other posts from MediaMax and First4 Internet folks asking for help writing DRM software.

Also, for our broader discussions with Sony BMG about DRM:

3. Explanation of why 1201(g) isn't sufficient for security researchers.
4. Who else EFF would like to join the meeting.
5. Draft agenda, based upon our discussions.
6. Potential dates for a half-day meeting.

Thanks!

Cindy

Cindy Cohn
Legal Director
Electronic Frontier Foundation
454 Shotwell Street
San Francisco, CA 94110
(415) 436-9333 x108
(415) 436-9993 (fax)

----- Cindy@eff.org
----- www.eff.org

SonyDRM-priv mailing list
SonyDRM-priv@eff.org
<https://falcon.eff.org/mailman/listinfo/sonydrm-priv>